

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT CLARKSBURG

FILED

AUG - 6 2019

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

SALIX PHARMACEUTICALS, INC. and)
DR. FALK PHARMA GmbH,)
)
Plaintiffs,)
v.)
)
MYLAN PHARMACEUTICALS INC. and)
MYLAN, INC.,)
)
Defendants.)
)

C.A. No. 1:15-CV-109-IMK
(Judge Keeley)

CONSENT JUDGMENT

Pursuant to the Order Implementing Joint Stipulation dated July 10, 2017 (Dkt. No. 249), and the decision by the United States Court of Appeals for the Federal Circuit affirming the determination of the Patent Trial and Appeal Board of the United States Patent and Trademark Office regarding the invalidity of Claim 1 of the U.S. Patent No. 8,865,688 in this matter, Plaintiffs Salix Pharmaceuticals, Inc. and Dr. Falk Pharma GmbH (collectively, "Plaintiffs") and Defendants Mylan Pharmaceuticals Inc. and Mylan Inc. (collectively, "Defendants") consent to entry of judgment in this action as follows:

1. Claim 1 of U.S. Patent No. 8,865,688 that has been asserted in this Civil Action No. 1:15CV109 is ADJUDGED invalid.

IT IS SO ORDERED this 6th day of August 2019.


IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

Submitted and approved as to form and for entry by:

Counsel for Plaintiffs

/s/ James F. Companion

James F. Companion (#790)
SCHRADER BYRD & COMPANION, PLLC
The Maxwell Centre
32-20th Street, Suite 500
Wheeling, WV 26003
Telephone: (304) 233-3390
Facsimile: (304) 233-2769
jfc@schraderlaw.com

OF COUNSEL:

Mary W. Bourke
Kristen Healey Cramer
Dana K. Severance
Daniel M. Attaway
WOMBLE CARLYLE SANDRIDGE & RICE, LLP
222 Delaware Avenue, Suite 1501
Wilmington, DE 19801
MBourke@wcsr.com
KCramer@wcsr.com
DSeverance@wcsr.com
DAttaway@wcsr.com

John W. Cox
WOMBLE CARLYLE SANDRIDGE & RICE, LLP
Atlantic Station
271 17th Street, NW
Suite 2400
Atlanta, GA 30363-1017
JWCox@wcsr.com

Counsel for Defendants

/s/ William J. O'Brien

Gordon H. Copland (#828)
William J. O'Brien (#10549)
STEPTOE & JOHNSON PLLC
400 White Oaks Boulevard
Bridgeport, WV 26330
Telephone: (304) 933-8000
Facsimile: (304) 933-8183
gordon.copland@steptoe-johnson.com
william.obrien@steptoe-johnson.com

OF COUNSEL:

Robert L. Florence
Micheal L. Binns
Karen L. Carroll
PARKER POE ADAMS & BERNSTEIN LLP
1180 Peachtree Street, N.E., Suite 1800
Atlanta, GA 30309
robertflorence@parkerpoe.com
michealbinns@parkerpoe.com
karencarroll@parkerpoe.com

Melanie Black Dubis
PARKER POE ADAMS & BERNSTEIN LLP
301 Fayetteville Street, Suite 1400
Raleigh, NC 27601
melaniedubis@parkerpoe.com